

examined and rejected. Claims 26 through 43 have been withdrawn from consideration as being directed to a non-elected invention. In this paper, no amendments to the claims have been made. Consideration of the claims in view of the remarks made herein is respectfully requested. Claims 16 through 25 remain pending in this application.

I. Claims 16-25

A. Claims 16 and 17

Claims 16 and 17 were originally rejected under 35 U.S.C. § 102(b) as being anticipated by Smith (U.S. Patent No. 5,328,450). This rejection was apparently maintained in the Final Action and the maintenance of such rejection is respectfully traversed.

According to the Examiner in the Final Action, Smith teaches "an absorbent material layer (2) over which a thermoplastic contoured film (3) is deposited." (The term "layer" was added by the Applicants' attorney.) The Applicants' agree with such characterization as corrected by the Applicants' attorney. The Examiner notes that the contoured film is bonded to the absorbent material layer which incorporates an iodine containing substance. Applicants' also agree with this characterization. According to page 2, lines 13 through 15 of the Final Action, the Examiner has taken the position that the absorbent material layer (2) of Smith is analogous to the Applicants' first substrate web and that the carrier material layer (4) of Smith which is disposed over the contoured film is analogous to the applicants' second substrate web. Applicants' do not agree with such characterization. Even if it were proper to state that the absorbent layer and carrier layer of Smith are analogous to the Applicants' first and second webs, which is not the case and clearly not admitted, the resulting structure in Smith is still different from that claimed by the Applicants. In the

Applicants' claimed structure, the first surface of the substrate web is coated with both binder particles and particulate iodinated resin, the binder particles are fused to both the first surface and the particulate iodinated resin. In contrast, Smith's "analogous" web substrates are merely coated with a polymer film consisting of ethylene vinyl acetate copolymer or a film filled with an elastomer or a whitening agent. Reading Smith carefully, it is clear that in the Smith laminate, the iodine based bacterial agent (a.k.a. "absorbent material") is employed in and not provided on the absorbent layer. See Col. 6, lines 33-36. Thus, Smith's "analogous" substrate (i.e., the absorbent material layer) still fails to have a particulate iodinated resin deposited on its first surface which is fused thereto by a particulate thermoplastic binder. All Smith has is a contoured thermoplastic film on its "substrate" surface. Therefore, because Smith's analogous layer lacks the Applicants' claimed features, it is respectfully submitted that Smith does not anticipate the subject matter of claim 16. Reconsideration of claim 16 in view of Smith is respectfully requested in view of the aforementioned remarks. Claim 17 depends from claim 16 and therefore includes all of the limitations of claim 16. It too is patentable over Smith for the reasons set forth above. Reconsideration of this claim is also respectfully requested. Withdrawal of the rejection of these claims under § 102(b) in view Smith is believed to be warranted.

B. Claims 18 and 19, 24 and 25

Claims 18, 19, 24 and 25 were originally rejected under 35 U.S.C. § 102(b) as being anticipated by Korpman (U.S. Patent No. 5,462,538). This rejection was apparently made final in the Final Action and it is respectfully traversed by the Applicants.

According to the Examiner, Korpman teaches an absorbent material that is disposed between a liquid permeable facing material and a liquid impermeable backing. The Examiner has taken the position that the backing and facing layers are analogous to the first and second substrate webs, respectively. The applicants do not agree. Even if it were proper to state that the facing and backing layers of Korpman are analogous to the Applicants' first and second webs, which is not the case and clearly not admitted, the resulting structure of Korpman is still different from that defined by claims 18, 19, 24 and 25.

Korpman discloses microfiber coated substrates. More particularly, Korpman discloses the use of pressure-sensitive adhesive microfibers to immobilize liquid or odor absorbents on components of absorbent products, such as the facing or backing material or absorbent core. (See col. 9, lines 45 through 48.) Such pressure sensitive adhesive microfibers comprise an elastomeric component, a resin component and a plasticizer to impart a tackiness to the microfibers. In contrast, the applicants' invention immobilizes particulate carbon or liquid absorbent by fusing such particulates with a thermoplastic binder. There is no teaching of fusing of the absorbent particles, as disclosed and claimed by the Applicants, in Korpman. Thus, the method for immobilization in Korpman is very different from the method for immobilization found in Korpman.

The Applicants' respectfully take exception to the Examiner's statement that "the adhesive with the odor absorbing components are in the molten state, which inherently are blended or fused together." The Applicants' attorney respectfully requests the Examiner to point to the passage or passages in Korpman that the Examiner has relied upon in support of such a statement. The Applicants' attorney, on careful reading of Korpman could find no support not even in the passage cited i.e., col. 4, lines 32 through 38. In fact, in the cited passage, the reference to molten spray

technology refers to the making of the pressure sensitive adhesive microfibers. (See col. 10, line 50 through col. 11, line 12.) Clearly, upon reading the entire Korpman reference, not just selected passages, Korpman discloses that an absorbent powder is immobilized on a pressure sensitive adhesive coated facing material before the side of the facing material coated with the pressure sensitive adhesive is contacted with the absorbent core. (See col. 10, lines 3 through 7). From this passage, it is clear that the absorbent powder is applied after the pressure sensitive adhesive microfibers are applied, not *in situ* while the pressure sensitive microfibers are in the molten state. None of the composition examples stated in Korpman support the Examiner's characterization of the method by which Korpman makes the product. Furthermore, it is respectfully submitted that such material is in the molten state only while being sprayed and does remain in the molten state for long otherwise such technique would not yield microfibers.

In view of the above remarks, reconsideration of claims 18, 19, 24 and 25 is respectfully requested. Withdrawal of the rejection under 35 U.S.C. § 102(b) is believed to be warranted because Korpman does not disclose a first web substrate having a first surface upon which is deposited particulate carbon (or particulate liquid absorbent) and particles of thermoplastic binder fused to both the particulate carbon (or particulate liquid absorbent) and the first surface. Korpman does not teach directly or indirectly fusing of a plastic and a filler.

C. Claims 20 and 21

Claims 20 and 21 were originally rejected under 35 U.S.C. § 102(b) as being anticipated by Karami (U.S. Patent No. 4,055,184). The original rejection was made final in the Final Action. The rejection is respectfully traversed.

According to the Examiner, Karami teaches an absorbent pad comprising a facing layer (10), a backing sheet (12), a core body (18) and an admixture (16) of a grafted hydrolyzed polyacrylonitrile copolymer (PAN) and sodium bicarbonate. The admixture is sprinkled on the facing layer or the backing sheet. It is the Examiner's position that the backing sheet and facing layer are analogous to the Applicants' first and second substrate webs. The applicants do not agree. However, even if it were proper to state that the facing and backing layers of Korpman are analogous to the Applicants' first and second webs, which is not the case and clearly not admitted, the resulting structure of Karami is still different from that defined by claims 20 and 21 because Karami does not teach fusing a thermoplastic binder to the particulate sodium bicarbonate and the surface of the substrate web. It is well known that PAN is often used as a superabsorbent material used to absorb liquids. There is no teaching in Karami to fuse PAN to particulate sodium bicarbonate probably because the PAN is not typically considered for use as a binder but rather is used as a superabsorbent. Thus, Karami lacks an essential element, the fusing of a thermoplastic binder material to the particulate sodium bicarbonate and the substrate web. The Examiner has not cited any part of Karami where such a teaching is made.

Because Karami lacks an essential element required in claims 20 and 21, namely a substrate web having a first surface upon which is deposited a particulate sodium bicarbonate and particles of a thermoplastic binder fused to both the particulate sodium bicarbonate and the first surface, it is respectfully submitted that Karami does not anticipate the subject matter of either claim. Reconsideration of the rejection of claims 20 and 21 under 35 U.S.C. § 102(b) is respectfully requested. Upon such reconsideration, withdrawal of the rejection is believed to be warranted.

D. Claims 22 and 23

Claims 22 and 23 were originally rejected under 35 U.S.C. § 102(b) as being anticipated by Nishizawa (U.S. Patent No. 4,626,252). The rejection was maintained in the Final Action. The rejection is respectfully traversed.

In the original rejection, the Examiner alleged that Nishizawa teaches a disposable diaper comprising a backing sheet, an absorbent layer and a liquid permeable sheet. The absorbent layer was alleged to comprise a thermoplastic resin and a filler material such as magnesium oxide. A careful reading of this reference reveals that it is the vapor permeable, liquid-impermeable backing sheet that is formed by a film produced by molding a polyolefin resin containing a filler and a liquid wax. See col. 1, lines 38 through 51. Within this backing sheet, the absorbent layer (2) is disposed.

According to the Examiner the liquid impermeable backing sheet and liquid permeable sheet are analogous to the Applicants' first and second web substrates. The applicants respectfully disagree. However, whether such items may be analogous does not matter because Nishizawa fails to teach the applicants' invention as defined in claims 22 and 23. There is no teaching of the deposit of a particulate manganese oxide and particles of a thermoplastic binder fused to both of the particulate manganese oxide and the first surface of the Applicants' substrate. In Nishizawa, the thermoplastic material containing a filler is not in particulate form because it is molded and therefore it cannot be "particles of a thermoplastic binder fused to both the particulate manganese oxide and the first surface" of the substrate, as defined in the applicant's claims. Nishizawa contains no teaching of a fusing of the particulate thermoplastic binder to the manganese oxide and the substrate. Under the Examiner's conclusion that the backing is analogous to the Applicants' first substrate, then there is no substrate in Nishizawa that has manganese oxide particles deposited thereon nor thermoplastic binders

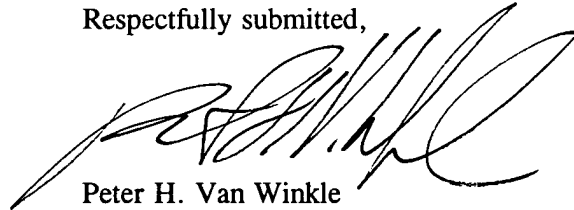
fused between the substrate and the oxide particles. Accordingly, without such teaching, Nishizawa cannot anticipate the subject matter of the applicants' invention as defined in claims 22 and 23.

Thus, because Nishizawa lacks an essential element required in claims 22 and 23, it is respectfully submitted that it does not anticipate the subject matter of either claim. Reconsideration of the rejection of claims 22 and 23 under 35 U.S.C. § 102(b) is respectfully requested. Upon such reconsideration, withdrawal of the rejection is believed to be warranted.

III. Conclusion

In summary, the claims of the application are distinguishable from the applied references and are believed to be in condition for allowance. Such action is earnestly solicited. If any questions remain following a review of this paper, the Examiner is invited to call the Applicant's attorney to discuss such questions. The fees associated with this paper have been submitted by a check. However, if should be determined that there is a fee deficiency, the Commissioner is authorized to charge our Deposit Account No. 23-0442.

Respectfully submitted,



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